

ORDINANCE 10-0801
Modifications to the Zoning/Sanitary Code

WHEREAS, the Green County Land Use and Zoning Committee is charged with the study and development of zoning and land use programs, as well as the development of a proper sanitary program for Green County; and

WHEREAS, at the request of the Zoning Administrator, the Green County Land Use and Zoning Committee has reviewed the Green County Zoning Ordinance and Sanitary Code and has determined that the Green County Code is in need of updating; and

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors, in legal session assembled, that the following additions, deletions and corrections be made to Titles 4, 9 and 10 of the Green County Code:

4-3-1-2: AGRICULTURAL DISTRICT

- A. Use: In the Agricultural District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:
2. General farming, including dairying, livestock and poultry raising, animal feedlots ~~consisting of no more than three hundred and one (301) animal units~~, nurseries, greenhouses, (limited to the raising of plants and produce with no retail sales on the premises) vegetable warehouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided, that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred feet (100') of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. (Ord. 00-0101)
 6. Extraction by or for municipalities, in municipally owned quarries only, of sand and gravel and the quarrying of limestone and other rock for aggregate purposes, and the manufacture and processing of such materials incidental to the extraction including the erection of buildings, and the installation of necessary machinery and equipment incidental thereto, but not the storage of cement, asphalt or road oils or the mixing of concrete or blacktop or related materials; provided, that any county, town or municipal government or its agent may store or mix such materials when incidental to the improvement of highways or streets; provided further, that when the use of any excavation or quarry having an area of one-half (1/2) of an acre or more, within the limits of disturbance of the earth from its natural state, is discontinued, all buildings, machinery and equipment constructed or installed incidental to such extraction or processing shall be removed within three (3) months of the date of such discontinuance. If any part of such excavation or quarry is within two hundred feet (200') of a public street, road or thoroughfare, any part of such excavation or quarry in which water collects to a depth of three feet (3') or more for at least thirty (30) consecutive days in the calendar year shall be drained or filled so as to prevent such collection of water; and all banks or cuts not in rock shall be sloped to the bottoms of such banks or cuts at a slope not steeper than one and one-half feet (~~4-2-1/2~~) horizontal to one foot (1') vertical.

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11. The following types of uses, when the location of each such use shall have been approved in writing by the Board of Adjustment . . .
 - I. Public dumping ground, when the Board shall clearly define the area of each such dumping ground at the time of issuing the permit for its location; provided, that no such dumping ground shall be located within one-half (1/2) mile of the boundary of any Residence District or any incorporated city or village, nor within one-quarter (1/4) mile of any residence except that of the owner of the property on which such dumping ground is located or his/her agent, nor within seven hundred fifty feet (750') of the right of way of any through public road, nor located in any drainage course or basin or flood plain area; provided further, that no location permit for any such dumping ground shall be issued without consultation with the Town Board. The various boundaries of any public dumping ground may be changed or extended from time to time, but only by the same method by which it was originally established. Such dumping ground shall also comply with the appropriate State of Wisconsin code relating to solid waste disposal.
 - ~~n. Animal feedlots consisting of three hundred and one (301) animal units or more. Such animal feedlots shall be considered conditional uses only and shall comply with Section 4-3-6 of this Title and shall not be construed to be permitted by any other section of this Title. (Ord. 80-320; Ord. 00-0101)~~

(*Re-letter all following subparagraphs.)

4-3-1-5: HIGHWAY INTERCHANGE DISTRICT

- B. Other Requirements: Also see General Provisions and Exceptions in Section 4-3-2 of this Chapter.
7. Highway or Street Setback Lines: There shall be setback lines along abutting highways as required by Section 4-3-5 of this Chapter, and the following special regulations shall also apply:
 - ~~b. Access from abutting property via private driveway or public street shall be permitted only at designated access points. Such access points shall be located as follows:~~
 - ~~(1) The first access point shall be no closer than six hundred feet (600') from the center line of an existing or proposed entrance or exit ramp of an interchange, and no access point shall be closer than six hundred feet (600') to any other access point. A lesser distance may be permitted by the Board of Adjustment upon prior written approval by the designated representative of the agency having jurisdiction over such highway.~~
 - ~~(2) To avoid dangerous jogs in alignment, permitted access points along opposite sides of intersecting highways shall be located either directly opposite a median strip crossover or separated by at least three hundred feet (300') of lateral distance.~~

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- ~~c. Each building or group of contiguous buildings shall have not more than two (2) entrances to the abutting frontage road, and no such entrance shall exceed thirty feet (30') in width. Wherever practicable, buildings or groups of buildings shall use entrances and promote the safety of travel upon the abutting frontage road.~~
- ~~d. The intervals between permitted entrances to a frontage road shall be closed against vehicular access by a curb, planting strip or other equally effective barrier.~~

4-3-3-6: CAMP GROUNDS AND CAMPING RESORTS

- B. In addition to subsection A above, camp grounds and camping resorts shall meet the following requirements:
 - 1. There shall be a yard on each side of any such camp ground, except that no such yard shall be required along that part of a camp ground which fronts on a lake or stream; provided, that the highway and water line setbacks established by the regulations of Section 4-3-5 in this Chapter shall be observed by all buildings and structures to which such setbacks apply. Each such yard shall be not less than fifty feet (50') wide; provided, that all yards shall be increased not less than ten feet (10') in width for each ten (10) camping units or fraction thereof by which such camp ground exceeds a total of forty (40) camping units; and provided further, that any such yard may be reduced by one-half ($\frac{1}{2}$) the width of any street upon which such yard abuts, but in no case to less than twenty five feet (25'). It shall be a condition of the granting of the permit for any such camp ground, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grasses, flowers, shrubs and trees, but not including noxious plants, weeds and trees, be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein; so as to provide a natural screen between such camp ground and neighboring residential areas and so that required yards shall be unused and unusable for the general purposes of such camp grounds.

4-3-4-2: COUNTY SIGN REGULATIONS

- C. Type of signs, maximum size, number and location:
 - 3. On-premise.
 - d. No such sign shall be placed more than one-half ($\frac{1}{2}$) mile away from the point of sale of the product advertised.

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4-3-5-1: STREETS AND HIGHWAYS

For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the streets and highways of Green County are divided into the following classes:

C. Class III Highways:

1. ~~All town roads, streets, private access roads, easements, shared accesses in otherwise undesignated housing developments and subdivisions, and highways not otherwise classified are hereby designated as Class III highways.~~ All town roads, streets and highways not otherwise classified are hereby designated as Class III highways.

4-5-2-5: IMPROVEMENTS

A. Public Streets:

- ~~2.~~ ~~Width: Public streets shall be of the right-of-way, roadway and surface width specified by the County Highway Commissioner and approved by the County Board. Town roads shall be at least three (3) rods right-of-way width, twenty feet (20') roadway width, and sixteen feet (16') surface width except where §86.26, Wis. Stats., requires larger minimum standards.~~
- ~~32.~~ Except as otherwise specified, construction standards for public streets shall be to local road standards or the State of Wisconsin Facility Development Manual, whichever is more restrictive. The subdivider shall grade the roadbeds in the roadway width to subgrade and shall surface all roadways to the width prescribed by these regulations. All stages of the improvements shall be supervised and approved by the township or municipality in which they are located. (Ord. 06-0601, 6-13-06)
- ~~43.~~ Sales of Lands Abutting on Private Way: No person shall sell any parcel of land located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town or County. (Ord. 04-0101, 01/13/04)
- ~~54.~~ Private Road. Where a subdivider is not required to install or improve a public street, but may use a shared private road, common drive or access easement, such shared private road, common drive or access easement shall be constructed to a minimum of eighteen (18) feet of surface roadway and three (3) feet of drivable shoulder and the local township road standards or the State of Wisconsin Facility Development Manual, whichever is more restrictive. However, these design standards shall not apply to individual private drives accessing off of public roads or shared private roads, common drives, or access easements.

For those land divisions comprised of more than three (3) lots on a shared private road, common drive, or shared access easement, the subdivider shall install a pull-out of sufficient size and design to ensure safe mail delivery and school bus access. (Ord. 06-0601, 6-13-06)

4-5-2-6: PROCEDURES FOR SUBMITTING A PLAT

- A. Prior to the filing of an application for the approval of a preliminary plat, the subdivider shall consult with the County Planning Agency to present his/her proposed plat for review. As a part of this consultation, the subdivider shall submit a sketch of sufficient scale and reasonable accuracy indicating the following information:
1. The boundaries of the property being considered for sale.
 2. Uses of land adjacent to the proposed subdivisions; proposed roads, easements, public access to navigable water, dedications, community facilities, and utilities.
 3. General lot layout showing proposed lot widths and depths.
 4. General soil conditions, seasonally wet areas, rock outcrops, and areas with slopes over twelve percent (12%).
 5. Proposed filling, grading, lagooning, dredging.
 6. Delineation of any areas periodically flooded, shorelines and high-water lines.
 7. A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for immediate development.

At this review or within ~~twenty (20)~~ forty-five (45) days thereafter, the subdivider will be informed of any additions, changes or corrections to this proposed plat necessary to expedite the preliminary plat and final plat procedures.

- B. Preliminary Plat: The subdivider shall submit sufficient copies of the preliminary plat to the County Planning Agency so that two (2) copies can be submitted by the Planning Agency to the agencies having authority to approve and review plats under the provisions of §236.10 and §236.12, Wis. Stats. The preliminary plat based upon an exterior boundary survey by a registered land surveyor shall include:
1. Lot widths and depths.
 2. Existing and proposed streets, parks, public access, community facilities, utilities and easements.
 3. Land characteristics including seasonally wet areas, and slopes over twelve percent (12%).
 4. Proposed filling, grading, lagooning and dredging.
 5. Delineation of any areas periodically flooded, shorelines and high-water lines.

The proposed layout shall be shown on a map at a scale of one inch equals one hundred feet (1" = 100') and shall identify the improvements; grading, paving, installation of facilities

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including, if applicable, pre-planned sites for waste disposal facilities and dedications or reservation of land which the subdivider proposes to make and shall indicate when the improvements will be provided.

Any proposed restrictive covenants for the land involved shall be stated. The County Planning Agency shall approve, approve conditionally, reject, or table the preliminary plat within forty-five (45~~0~~) days, as provided by §236.11, Wis. Stats. Failure of the County Planning Agency to act within forty-five (45~~0~~) days shall constitute an approval.

4-6-1-4: FEES

A fee shall be paid to the Zoning Department by each applicant at the time of the issuance of a permit and shall be remitted to the County Treasurer. Any fees which are remitted to the Zoning Department are not refundable for any reason.

A. Zoning Permits shall be required for the following with the fees to be established by the Green County Land Use and Zoning Committee:

3. Each non-residential accessory or farm structures of any types, including but not limited to detached garage, storage shed, commercial building, barn, greenhouse, feed storage, manure storage, in-ground pool, above-ground tank, additions to this type structure, and any similar type construction measurable by square feet shall require a Zoning Permit as determined by the Green County Land Use and Zoning Committee. The amount of the permit fees shall be determined based on square footage as detailed below:

- a. 99 square feet or less ~~B~~ = No permit required, provided such structure conforms to all setback, yard and open space requirements.
- b. 100 ~~B~~ = 499 square feet
- c. 500 ~~B~~ = 999 square feet
- d. 1000 ~~B~~ = 2999 square feet
- e. 3000 ~~B~~ = 4999 square feet
- f. 5000 ~~B~~ = 9999 square feet
- g. 10,000 ~~B~~ = 14,999 square feet
- h. 15,000 ~~B~~ = 19,999 square feet
- i. 20,000 square feet or over

(Ord. 08-1002, 11/12/08)

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4-8-1-5: GENERAL PROVISIONS

B. OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Green County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Green County Zoning Department. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS: Based on the FIS

1. Flood Insurance Rate Map (FIRM), panel numbers 5504560016 . 5504560365G, 55045C0010G, 55045C0015G, 55045C0020G, 55045C0029G, 55045C0030G, 55045C0033G, 55045C0034G, 55045C0035G, 55045C0040G, 55045C0041G, 55045C0042G, 55045C0043G, 55045C0044G, 55045C0055G, 55045C0057G, 55045C0059G, 55045C0060G, 55045C0063G, 55045C0065G, 55045C0067G, 55045C0086G, 55045C0087G, 55045C0088G, 55045C0089G, 55045C0100G, 55045C0125G, 55045C0150G, 55045C0157G, 55045C0160G, 55045C0175G, 55045C0176G, 55045C0177G, 55045C0180G, 55045C0181G, 55045C0182G, 55045C0185G, 55045C0201G, 55045C0202G, 55045C0204G, 55045C0206G, 55045C0208G, 55045C0210G, 55045C0215G, 55045C0216G, 55045C0217G, 55045C0218G, 55045C0219G, 55045C0230G, 55045C0236G, 55045C0254G, 55045C0255G, 55045C0256G, 55045C0257G, 55045C0258G, 55045C0259G, 55045C0262G, 55045C0264G, 55045C0266G, 55045C0268G, 55045C0270G, 55045C0281G, 55045C0282G, 55045C0283G, 55045C0284G, 55045C0300G, 55045C0301G, 55045C0302G, 55045C0303G, 55045C0304G, 55045C0308G, 55045C0309G, 55045C0325G, 55045C0326G, 55045C0327G, 55045C0328G, 55045C0331G, 55045C0332G, 55045C0333G, 55045C0334G, 55045C0342G, 55045C0355G, 55045C0361G and 55045C0365G dated May 18, 2009.; with corresponding profiles that are based on the Green County Flood Insurance Study (FIS) dated May 18, 2009, Volume No. 55045CV000A. Data from the 30th Street Detention Basin Dam, City of Monroe, Hawthorne Creek NE1/4 of the NE1/4 of Section 3, Township 1 North, Range 07 East, Green County, which was approved by the DNR, is incorporated in the Green County floodplain ordinance.

Approved by: The DNR and FEMA

CHAPTER 9
NAMING ROADS, NUMBERING DRIVEWAYS BUILDINGS

SECTION:

- 4-9-1: Purpose and Authority**
- 4-9-2: Administration**
- 4-9-3: Costs, Road Names**
- 4-9-4: Road Name Selection**
- 4-9-5: Road Name Signs**
- 4-9-6: Building Driveway Numbering Administration**

4-9-1: PURPOSE AND AUTHORITY

The purpose is to establish a rural road naming and ~~numbering system and a rural building~~ driveway numbering system for Green County to create and establish regulations for such system and to provide for its administration, control and enforcement. This Chapter is created, adopted and amended pursuant to the authority granted in §59.03, §59.54 (4), and §59.54(6), Wis. Stats.

4-9-2: ADMINISTRATION

The rural road naming system and ~~building~~ driveway numbering system shall be supervised by the Land Use and Zoning Committee of the Green County Board of Supervisors and shall be administrated by the Green County Zoning Administrator.

4-9-6: BUILDING DRIVEWAY NUMBERING ADMINISTRATION

- A. Authority: The ~~rural~~ driveway numbering system shall be supervised by the County Land Use and Zoning Committee and shall be administered by the County Zoning Administrator. The Committee shall make reasonable rules necessary to provide for the orderly implementation of the ~~rural~~ driveway numbering system. (Ord. 80-910; eff. 1-1-81)
- B. Costs:
 - 1. The costs of administering the ~~rural~~ driveway numbering system shall be included in the budget of the Green County Zoning Department.
 - 2. Numbers, letters, frames, backing plates, and posts shall be furnished by the County at cost to the property owner.
 - 3. It shall be the responsibility of Green County to install the initial numbers, signs, and posts for implementation of the ~~Rural~~ Driveway Numbering System. Numbers and posts for new ~~buildings~~ driveways constructed after the initial implementation of the system shall be issued to the ~~building~~ property owner ~~at the time of issuance of the owner's zoning permit~~. The County shall furnish such numbers, signs, and posts, but it shall be the responsibility of the owner to install the same in accordance with the County's direction therefor. Signs, numbers, and posts which are lost, mutilated, or destroyed after initial installation shall be replaced by ~~building~~ owners at the ~~building~~

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owner's expense. The County shall provide such replacements to the owner at the County's cost therefor, and it shall be the owner's responsibility to place said signs, numbers, and posts in accordance with the County's direction therefor. (Ord. 82-1110)

C. Master Files and Official Map:

1. The Zoning Administrator shall maintain a master file of all numbers assigned by this Department.
2. When all existing buildings have been assigned a number, the Zoning Administrator shall prepare an official numbering map showing the location of all numbers assigned.
3. When a zoning permit is issued for new buildings, a number shall be is assigned to ~~that building and so~~ a new driveway it shall be recorded in the master file and placed on the official map.
4. Copies of the master file and maps shall be furnished to those agencies and service organizations as the Committee so directs.

D. Building Driveway Numbering/Fire Number Signs: No other signs, numbers or posts other than those approved by the Committee shall be used. The Committee shall set specifications of said signs and their locations. (Ord. 80-910, 9-9-80, eff. 1-1-81) The official building driveway numbering sign/fire number sign shall be obtained from the Zoning Department and posted on the premises in plain view at the point that the individual driveway to the individual ~~building~~ lot begins. For those ~~building~~ lots which share a common private driveway or private road access, a summary sign indicating the range of building driveway/fire numbers located or proposed to be located on that private access shall be obtained from the Zoning Department at the landowner's expense, and shall be posted at the point of where the public road intersects with the shared driveway property.

E. Building Driveway Numbering System:

F. Extraterritorial Zoning Jurisdiction Areas: Existing buildings in a municipality's extraterritorial zoning jurisdiction area shall be numbered as provided for in this Chapter. For new ~~buildings~~driveways, the County shall furnish numbers, plates, frames and posts upon application by the building inspector of the village or city responsible for issuing zoning permits in the extraterritorial areas. The application shall include a legal description of the parcel of land on which the building driveway is located ~~and if unplatted land, the location of the driveway serving the building.~~

G. Use of Urban Number System for ~~Buildings~~Driveways:

2. Areas Annexed: Annexation by municipalities of areas subject to this Chapter shall automatically terminate the jurisdiction conferred by this Chapter on the annexed area if such election is made by the annexing municipality and subject to the adjustment of assets and liabilities, it being understood that ownership of building driveway numbering and road naming signs remain the property of Green County and of the respective towns.

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9-2-3: ABROGATION AND UNIFORMITY WITH STATE REGULATIONS

- B. This ordinance shall be subject to the provisions of Chapter 145 and 146 256.01(2), Wisconsin Statutes, and all subsequent rules and regulations promulgated there under regarding private sewage systems. These rules, regulations, and laws shall apply until amended and then shall apply as amended.
- C. Incorporation of Provisions by Reference. This chapter incorporates by reference the applicable rules, regulations, and laws as set forth in the Wisconsin Statutes, and the Wisconsin Administrative Code: Chapters 145, ~~146~~ 256.01(2), Wisconsin Statutes, and Chapters NR 112, NR 113, and ~~COMM~~ Comm 81, 83, 85, 87, of the Wisconsin Administrative Code, and those portions of Chapter 91 of the Wisconsin Administrative Code which relate to the installation of vault privies.

~~This ordinance also incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 281 and 145, 281.48, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. Comm. 52.63, Comm. 81, Comm. 82, Comm. 83, Comm. 84, Comm. 85, NR 113 and NR 116 Wis. Admin. Code, and those portions of Chapter 91 of the Wisconsin Administrative Code which relate to the installation of vault privies.~~

These rules, regulations and laws shall apply until amended and then shall apply as amended or renumbered.

9-2-5: GENERAL CONDITIONS

- B. Compliance: All Buildings in Green County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by public sanitary sewer, shall have an approved POWTS other than a privy. A building shall be regarded as included under this subsection if it is 1) used as a business; or 2) invites customers; or 3) has more than one person working on the premises as part of its normal conduct of business; or 4) advertises as a business; or 5) is open to the public.
- (9) ~~Design wastewater flow sizing for any POWTS system installation shall not be reduced by the use of a "per capita use" method under Comm. 83.43, Wis. Admin. Code if the structure is residential and can use a "gallon per day per bedroom" calculation which provides for a larger system to be used. For those residential uses utilizing the "per capita use" method of sizing under Comm. 83.43, Wis. Admin. Code, a deed restriction limiting the structure to that proposed occupancy or use shall be recorded with the Green County Register of Deeds office.~~
- (10) ~~Any private sewage system (POWTS) in use or proposed to be used in Green County shall provide a 36 inch or greater separation to limiting soil factors, regardless of installation date, to be considered as a legal, Code-compliant system.~~

9-2-6-2: POWERS AND DUTIES

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~~K. Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Zoning Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Zoning Committee.~~

LK. Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

9-2-7: VIOLATIONS AND PENALTIES

A. Any person who fails to comply with the provisions of this ordinance, or any order of the Zoning Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in ~~this~~ Section 4-6-3 of the Green County Code.

9-2-9-1: VALIDITY

F. If any part of a private sewage system has failed or requires replacement or modification, the entire system shall be evaluated in accordance to Comm. 83.03 ~~for compliance with existing codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those components that utilize in-situ soil for treatment or dispersal, unless a valid report is already on file with the Zoning Department.~~

9-2-9-2: APPLICATION REQUIREMENTS

A. A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Zoning Department along with all applicable fees:

~~11. Verification pursuant to the provisions of 9-2-17-2 that any existing private sewage systems on the same parcel of land are not failing private sewage systems.~~

~~12~~11. Copies of any documents required in D below and verification that they have been recorded.

~~13~~12. Any other information required by the Zoning Department, state laws or codes, including verification of compliance with this ordinance.

~~14~~13. Dispersal cell cross section.

C. The following documents must be recorded with the Green County Register of Deeds prior to sanitary permit issuance:

~~1. Maintenance agreements or contracts.~~

~~2~~1. If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.

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- ~~32.~~ If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - ~~43.~~ If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
 - ~~54.~~ If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
- D. The Zoning Department reserves the right to require Floodplain and/or Wetland delineation for the ~~building site or~~ proposed private sewage system area prior to sanitary permit issuance. The Zoning Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

9-2-10: PLANS

System plans shall be submitted for approval to the Zoning Department or to the State in accordance with Comm. 83, Wis. Admin. Code. Plans shall comply with the requirements of Comm. 83, Wis. Admin. Code, and this ordinance.

- D. Plans submitted shall comply with Comm. 83, Wis. Admin. Code, and include the following:
- 5. A contingency plan in the event the proposed private sewage system fails and cannot be repaired in conformity with ~~Comm. 83.22(2), Wis. Admin. Code, including information on whether or not the soil test shows sufficient area for a future replacement site.~~

9-2-11: ~~SANITARY PERMITS~~ PERMIT CARDS

9-2-11-2: PERMIT EXPIRATION

- C. The renewal shall be based on ordinance and Code requirements in force at the time of renewal.
- D. A change in ordinance and Code requirements may impede the renewal. A previous sanitary permit which has not been acted upon shall not constitute a prior existing use for the purposes of this Ordinance.

9-2-11-3: TRANSFER OF OWNERSHIP

Transfer of ownership of a property for which a valid sanitary permit exists and has been issued prior to installation of the system shall be subject to the following:

- 1. The property owner shall submit the applicable ~~State~~ transfer form to the Zoning Department.

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9-2-11-5: PERMIT DENIAL

The issuing agent within the Zoning or Health Department reserves the right to refuse incomplete or incorrect permit applications, and/or delay permit issuance until corrected and/or completed applications are received. ~~He/she may also deny a permit to any person who has not yet complied with any enforcement orders issued under this ordinance even if said failure to comply relates to a separate parcel.~~ The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Appeals of any denials will follow the process in §4-6-1-5:B, and must be filed within 30 days of the denial.

9-2-12-1: INSTALLATION INSPECTION

- D. No inspection will be scheduled for the same date as permit issuance. Permits shall be obtained prior to the start of construction of the ~~septic system~~ POWTS.

9-2-12-2: PRIVIES, INSPECTIONS

- A. All privies installed shall be inspected for compliance with Comm. 91, Wis. Admin. Code, or as amended, and this ordinance. Non-plumbing sanitary systems serving uses other than one and two family dwellings which are specifically allowed by this Code shall also be inspected for compliance with Comm. ~~52-63~~ 62.2900, Wis. Admin. Code.

9-2-12-3: EXPERIMENTAL SYSTEMS AND PACKAGE SYSTEMS NOT RECOGNIZED BY COMM. ~~83-64~~ 83.60

9-2-13-1: SOIL TEST REPORTS

A sanitary permit shall not be issued until a soil and site evaluation report has been reviewed and approved by the issuing agent. At least one backhoe pit must be done for each system area set aside. The report and evaluation must be in accordance with Comm. 85, Wis. Admin. Code ~~and submitted to the County within 30 days of the observations/tests.~~

9-2-13-2: VERIFICATION

- A. The issuing agent may verify the report and soils at the proposed site if deemed necessary. Backhoe pits are required whenever the County verifies soil boring data. The soil test pits shall be left in such a manner that will permit access to them for the evaluation of the soil profile or reopened upon request. Unattended backhoe pits are the liability of the Certified Soil Tester or property owner.

When review of a site evaluation determines that a soil and site evaluation is not approved able, the fee submitted with the report will not be refunded.

- B. A certified soil tester may request Zoning Department or State verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. A request for this verification shall include all information and fees required for the normal submission of a Soil and Site Evaluation Report. When a review or site evaluation determines that a site is not approved able, the fee submitted will not be refunded.

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- C. Soil and site verification during weather or site conditions which may limit the ability to conduct a full evaluation, or where the potential for error could be made due to the unfavorable conditions, ~~verification~~ may be deferred, at the discretion of the Zoning Department, to a time when suitable conditions are present for the verification/evaluation to be conducted.

9-2-14-1: HOLDING TANKS

General: Holding tanks for private sewage are hereby prohibited, with the following exceptions:

- ~~A.~~ ~~Shall not be allowed for new construction.~~
~~B.~~ A. Shall be allowed as a system of last resort to replace an existing POWTS system which has failed according to §145.245(4), Wis. Stats.
~~C.~~ B. Shall be allowed to replace an existing holding tank.
~~D.~~ C. In all cases where the use of a holding tank is proposed or allowed, prior to any sanitary permit application, a suitable and approved Soil and Site Evaluation Report must be on file with the Zoning Department that illustrates that no other system would be possible on the parcel. If Wisconsin Plumbing Codes and this ~~code~~ ordinance allow another type of POWTS system, it must be installed in lieu of a holding tank.
~~E.~~ D. Licensed campgrounds holding all required permits may be allowed to utilize State-approved transfer containers, if used as part of a collection system incidentalal to a Code-compliant sewage disposal system on premises.
~~F.~~ E. Temporary holding tanks may be allowed with proper state approvals and subject to 9-2-14-2 when seasonal conditions do not allow placement of a standard soil absorption system.

9-2-14-2: HOLDING TANK FORMS

- A. Holding Tank Agreement: In cases where holding tanks are allowed, the owner of the holding tank shall enter into a Holding Tank Agreement with the appropriate city, village or town guaranteeing that the ~~local governmental unit~~ municipality which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Zoning Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Holding Tank Agreement shall be filed with the Register of Deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- C. Holding Tank Servicing Contract: All holding tank users/owners shall enter into a contract with a State-licensed pumper to service and pump his/her holding tank. ~~Exceptions to this are those users/owners who can comply with NR 113, Wis. Admin. Code as an exempt farmer.~~ In these cases, the owner/user will provide the Zoning Office with semi-annual pumping reports. The owner or agent shall submit a copy of the servicing contract when plans are submitted to the Zoning Department for review.

9-2-14-3: HOLDING TANK INSPECTIONS

The governmental unit or County may enter upon the property to investigate the condition of the holding tank when pumping reports and/or meter readings may indicate that the holding tank is not being properly maintained. The County may also order an evaluation of the holding tank by a licensed plumber to certify that the holding tank is still water tight. If the holding tank is found to no

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longer be water tight, the holding tank must be replaced with a code complying system. A holding tank which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

9-2-14-4: PUMPING REPORTS

All land owners with holding tanks in Green County shall submit ~~semi-annual~~ pumping reports to the office of the Green County Zoning Administrator.

9-2-14-5: LOCKS AND HIGH WATER ALARM

All holding tanks shall be equipped with functional locking devices and high water alarms. The high water warning device shall be installed so that it activates one (1) foot below the inlet pipe. This device shall either be an audible or illuminated alarm. If the latter, it shall be conspicuously mounted.

Electrical junction boxes, including warning equipment junctions, shall be located outside the holding tank unless they are housed in ~~waterproof, explosion-proof enclosures~~ accordance to the National Electrical Code. Electrical relays or controls shall be located outside the holding tank. In cases where the Zoning Administrator or his designee finds the locking devices and/or high water alarms missing or not functioning properly, he shall order them replaced.

9-2-14-6: WATER METERS

The owner agrees, pursuant to Comm. ~~83.18(10)~~ 83.54, Wis. Admin. Code, to have a water meter installed in a new building or new structure. For purposes of this section, new shall incorporate the replacement of a mobile home with a different one as well as the building of a new structure to replace an existing one. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner agrees to be financially responsible for the purchase, installation, maintenance and repair of the water meter, and agrees to allow the governmental unit to enter the property on a regular basis to read and/or inspect the water meter.

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9-2-15-1: MAINTENANCE AND MANAGEMENT

- A. All private sewage systems shall be managed and maintained in accordance with Comm. 83.84 and 87, Wis. Admin. Code, and this ordinance. ~~Only state-licensed master plumbers, POWTS inspectors and POWTS maintainers shall provide the maintenance and/or service on all systems. Licensed tank pumpers may report the condition of an existing tank only; but may not provide a maintenance report on any other POWTS component or soil absorption system unless specifically state-licensed to do so. (Ord. 04-0101, 01/13/04)~~
- B. The property owner shall report to the Zoning Department each inspection, maintenance or servicing event, in accordance with Comm. 83, Wis. Admin. Code, and this ordinance.
- ~~C. Prior to issuance of a sanitary permit, the property owner shall submit to the Zoning Department a copy of an appropriately recorded maintenance agreement, with said agreement having been recorded with the Green County Register of Deeds Office.~~
- D. The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Zoning Department whenever there is a change to such document(s).
- E. The property owner shall submit a new maintenance agreement and/or servicing contract to the Zoning Department prior to expiration of any existing maintenance agreement and/or servicing contract.

9-2-15-2: MANAGEMENT

- C. Each POWTS design shall include a management plan for maintaining the designed performance and operational standards required by this chapter. The management plan shall be a part of the sanitary permit application. The plans ~~shall~~ may include all necessary information, including but not limited to:

9-2-15-5: SERVICE REPORTS

- A. Reports of system servicing or maintenance shall be submitted to the County:
 - 1. Within ~~40~~ 30 business days from the date of service;
- B. Reports shall include, but are not limited to, the following information:
 - 14. Ponding in distribution cell, ~~prior to pump cycle, is evidence of development of a clogging mat or reduced infiltration rates.~~

9-2-16-2: NON-PLUMBING SANITATION SYSTEMS

Chemical, organic (composting), electrical, gas, and other non-water using toilets ~~that shall be utilized in place of a privy and non-plumbing sanitation systems~~ other than a privy, are hereby prohibited.

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9-2-17-2: EVALUATION

Prior to issuing the approval for the reconnection to the existing structure, an evaluation of the existing private sewage system must be made. The following is the procedure that must be followed in evaluating the private sewage system:

- C. The existing septic tank shall be pumped and inspected by a licensed pumper to determine the condition and size of the tank and whether it is in good repair (No treatment or holding tank should be entered without proper life support equipment).

The existing private sewage system should be examined to:

- 4. Determine by examining through the vent/observation pipe whether or not the system is ponded, and to what degree it is ponded, and whether the ponding represents a failing or non-functioning soil absorption system.
- D. If an existing systems ~~are~~ is found to be undersized or inadequate for the proposed reconnection, a new Code-compliant system must be installed.

9-2-17-3: APPLICATION FOR RECONNECTION

- A. Application for a County reconnection permit shall include the following:
 - 2. A plot plan prepared by a plumber, or other properly credentialed individual.
- B. Reconnection to an existing system other than a holding tank shall require a new ~~recorded~~ maintenance agreement and contingency plan ~~or contract~~.
- F. Nonconforming Systems: If, during the evaluation of the existing private sewage system, it is determined that the system does not conform to ~~the applicable codes and regulations in effect at the time of the inspection, or is undersized, Comm. 83.03 (2)(b)2.a&b.~~ Comm. 83.03 (2)(b)2.a&b. The zoning permit shall not be issued until a sanitary permit has been issued for a new private sewage system that meets the codes and regulations. The code complying system must be installed before the completion of the project. (Ord. 03-0201, 2/11/03)

9-2-18: CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD

- A. Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:
 - 2. In dwellings or residences, when there is a proposed addition, remodeling or change of use of an existing structure which would increase or decrease the number of bedrooms, ~~or would add 100 square feet or more to the building, excluding additions which are open decks or porches (without walls or screened sides), or garage areas. Only one such enclosed living space addition of less than 100 square feet will be allowed over the life of a residential structure, without compliance with subsection (B) for consideration of a modification in wastewater flow. Any further enclosed additions which add either over or less than 100 square feet will require compliance with the documentation in subsection (B).~~ (Ord. 03-0201; 2/11/03)

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- B. Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater load flow and/or contaminant load to an existing private sewage system or interfere with a functioning system, the owner(s) of the property shall:
2. Provide the following to the Zoning Department:
 - a. Documentation that a private sewage system of adequate capability and capacity to accommodate the increased wastewater flow and contaminant load already exists to serve the structure, as specified in Comm. 83, Wis. Admin. Code. This documentation can be demonstrated by either of the following:
 - (1) With evidence submitted of the prior issuance of a sanitary permit which indicates that a Code-compliant system of adequate capacity and capability to accommodate the increased wastewater flow and contaminant load to serve the structure has been installed on the premises in suitable soil, the documentation requirement is a signed statement by a qualified, licensed individual for an inspection done within the prior six months, that the POWTS system's tank and absorption field is functional, shows no sign of failure, and does not interfere with proposed construction.
- C. Prior to commencing construction of any structure or addition to a structure on a property containing site where there exists a private sewage system, the owner or his agent shall determine that the proposed structure conforms with the dimensional applicable setback limitations of Comm. 83, Wis. Admin. Code. Documentation shall be submitted as required in Comm. 83, Wis. Admin. Code, ~~in conformity with Comm. 83.23(2)(e), Wis. Admin. Code.~~

9-2-20-2: SPECIAL DEFINITIONS:

CONVENTIONAL PRIVATE SEWAGE SYSTEM: A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent in the absorption area ~~of effluent~~.

10-4-4-1: AMOUNT AND APPLICABILITY

A person who intends to operate a non-metallic mining site for which a permit application has been submitted under §10-3-1-3 shall submit a non-refundable plan review fee as specified in the Green County fee schedule. Fees shall be paid to the Green County Zoning Office, or their designee. No plan review fee may be assessed under this section for any nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of §10-3-1-2 or for any local transportation-related mine issued an automatic permit under §10-3-5-5. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to '10-4-1. (Ord. 07-0601, 6/12/07)

**Plan Review Fee for Reclamation Plans Submitted Where
the Department is the Regulatory Authority**

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Proposed Mine Site Size Rounded to the Nearest Whole Acre	One-Time Plan Review Fee
1 to 25 acres 26 to 50 acres 51 or more acres	\$1045 <u>Fees to be established by the</u> \$1400 <u>Green County Land Use and</u> \$1750 <u>Zoning Committee</u>

SIGNED: GREEN COUNTY LAND USE AND ZONING COMMITTEE

Cathy Cryor Burgweger

Sherri Fiduccia

Barb Krattiger

Gordon Klossner

Lloyd Lueschow**FISCAL NOTE:** No fiscal impact. MJD**LEGAL NOTE:** Approved as to form. BDB

STATE OF WISCONSIN)
) ss.
COUNTY OF GREEN)

I, Michael J. Doyle, County Clerk in and for said County, do hereby certify that the above and foregoing is a true and correct copy of Ordinance 10-0801 adopted by the Board of Supervisors on August 10, 2010.

Dated at Monroe, Wisconsin this 10th day of August, 2010.

Michael J. Doyle, Green County Clerk